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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/058,361 | 01/28/2002 | Kenneth W. Winters | 10008007-1 | 5210 |

7590 07/08/2004

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

POE. MICHAEL I

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
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1732

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/058,361

Applicant(s)

WINTERS, KENNETH W.

Examiner

Michael I Poe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Amendments

1. Applicant's amendment filed on April 16, 2004 has been entered. Based upon the entry of this amendment, no existing claims have been amended, existing claims 1-29 have been canceled, and new claims 30-52 have been added. Claims 30-52 are currently pending.

Claim Objections

2. Claims 35 and 36 are objected to because of the following informalities: “;” should be “.” on line 4 of claim 35. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 30, 31, 38-40, 45 and 46 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent No. 6,499,180 B1 (Johnson et al.).

Claims 30, 31, 38-40, 45 and 46

Johnson et al. teach a heated saddle device 10 for preventing ice build-up on windshield wiper blades and for removably receiving a wiper blade 12 attached to a windshield wiper arm 18 pivotally coupled to a vehicle 20 (a windshield wiper apparatus; a windshield wiper assembly) comprising an elongated block 30 having a plurality of heating elements 46 embedded therein (a plurality of heating elements supported on the windshield wiper assembly; at least one of the heating elements is embedded in the wiper blade; a plurality of means for heating the windshield wiper assembly; supporting a plurality of

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heating elements on the windshield wiper assembly; embedding at least one of the heating elements in the wiper blade); an actuator 48 for turning the heating elements 46 on or off operationally coupled to the heating elements 46 and a power supply 50; and a thermostat 52 operationally coupled to the actuator 48 and in communication with an outer environment of the vehicle 20 (column 3, line 50 - column 4, line 16). As illustrated in Figure 2, Johnson et al. further teach an embodiment wherein the block 30 includes five individual heating elements embedded therein (the windshield wiper assembly comprises two heating element; the windshield wiper assembly comprises three heating elements).

5. Claims 30-32, 35, 38, 40, 41, 44-47 and 50 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,928,345 (Meltzer et al.).

Claims 30-32, 35, 38, 40, 41, 44-47 and 50

Meltzer et al. teach a heated wiper blade and wiper blade carrier assembly 10 (a windshield wiper apparatus; a windshield wiper assembly; a method of heating a windshield wiper assembly) comprising a blade carrier 100 (a blade rail); a wiper blade assembly 200 (a wiper blade) fitted onto the blade carrier 100 (a blade rail for supporting the wiper blade); an adaptor 300 connected to the blade carrier 100 for attaching the wiper blade assembly 200 to a conventional wiper arm 12 (a wiper arm for supporting the blade rail) of a vehicle; and a heating assembly 400 which heats the blade carrier 100 and the blade assembly 200 (a plurality of heating elements supported on the windshield wiper assembly; the windshield wiper assembly comprises two heating elements; a plurality of means for heating the windshield wiper assembly; supporting a plurality of heating elements on the windshield wiper assembly) (column 3, lines 34-47). Meltzer et al. further teach that the heating assembly 400 comprises an elongated heating element 410 supported within the blade carrier 100 (at least one of the heating elements is supported on the blade rail; a means for heating the blade rail; supporting at least one of the heating elements on the blade rail) and a second elongated heating element 420 embedded within the blade assembly 200 (at least one of the heating elements is embedded in the wiper blade; a means for heating the wiper blade; supporting at least one of the heating elements in the wiper blade) (column 7, line 28 - column 8, line 8).

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Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 33, 34, 36, 37, 39, 42, 43, 48, 49, 51 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,928,345 (Meltzer et al.) in view of U.S. Patent No. 5,791,010 (Brady et al.).

Claims 33, 34, 36, 37, 39, 42, 43, 48, 49, 51 and 52

The discussion of Meltzer et al. as applied to claims 30, 40 and 45 above applies herein.

Although Meltzer et al. teach a windshield wiper assembly including a plurality of heating elements, Meltzer et al. do not specifically teach that at least one of the heating elements is supported on the wiper arm of the wiper assembly. However, Brady et al. teach a heated windshield wiper assembly 10 comprising a wiper arm 12 having an elongate main articulation bow 14 and a pair of elongate carrier bows 16, 17 each pivotally coupled to one of a pair of spaced apart pivot mounts 18, 19 on the main articulation bow 14; a wiper blade 20 mounted to the pair of carrier bows 16, 17; a heating member 22 (element) having an elongate heating element 24 and an elongate reflector 26 located between the pivot mounts 18, 19 of the main articulate bow 14 (at least one of the heating elements is supported on the wiper arm; a means for heating the wiper arm; supporting at least one of the heating elements on the wiper arm) so that the heating member 22 is interposed between the main articulate bow 14 and the wiper blade 20 for heating the wiper blade 20 (column 3, line 56 - column 4, line 27; Figures 1 and 2). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made and one of ordinary skill would have been motivated to provide an additional heating element on the wiper arm in the wiper assembly of Meltzer et al. as taught by Brady et al. to prevent ice buildup around the wiper arm thereby assuring that the operation of the wiper arm was not impaired during icy and snowy weather.

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Response to Arguments

8. Applicant's arguments with respect to claims 30-52 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 4,256,683 (Porter), U.S. Patent No. 4,360,941 (Mabie), U.S. Patent No. 4,387,290 (Yasuda), U.S. Patent No. 5,632,058 (Stanak) and U.S. Patent No. 6,591,443 B1 (Gilpin) have been cited of interest to show the state of the art at the time the invention was made.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael I Poe whose telephone number is (571) 272-1207. The examiner can normally be reached on Monday through Friday.

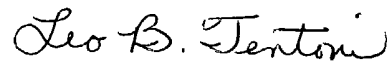
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianne can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael Poe/mip



LEO B. TENTONI
PRIMARY EXAMINER
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